



September 17, 2018

VIA ECF

John J. Sullivan

Direct Phone 212-453-3729

Direct Fax 646-461-2073

jsullivan@cozen.com

Hon. Vera M. Scanlon
United States Magistrate Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East, 1214 South
Courtroom 13A – South Wing
Brooklyn, NY 11201

**Re: *Monadnock Construction, Inc. v. Westchester Fire Ins. Co. / Westchester
Fire Ins. Co. v. Glasswall, LLC, et al.*
Case No. 1:16-cv-00420-JBW-VMS**

Dear Judge Scanlon:

This firm represents defendant/third-party plaintiff, Westchester Fire Insurance Company (“Westchester”) in this action and writes with the consent of third-party defendant, Glasswall, LLC. The parties have been unable to reach an agreement on the discovery that may be necessary to determine (i) under Federal Rule of Civil Procedure 25(c), whether Plaintiff Monadnock Construction, Inc. has any claims left to be assigned and whether the Delaware entity is a proper assignee and (ii) the impact of the settlement and assignment on the already pending dispositive motions. Accordingly, Westchester and Glasswall, LLC have attached their positions hereto as, respectively, Exhibits “A” and “B.” The parties respectfully request that the Court issue an appropriate Order on such discovery after considering this joint submission.

Respectfully,

COZEN O'CONNOR

/s/ John J. Sullivan

By: John J. Sullivan

Enclosures